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October 28, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Re: U.S. Patent Application No. 10/009,527
Filed: December 10, 2001
For: *Biological Joint Construct*
Inventors: Schaefer, et al.
Our Ref. No.: 0273-0004

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Response to Elections/Restriction; and
2. One Postcard.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0622.

Respectfully submitted,

REED SMITH LLP

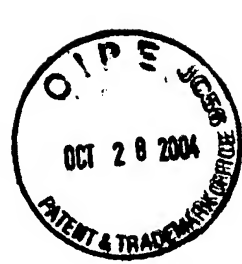
By: 

Christopher E. Aniedobe
Reg. No. 48,293

Encl.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: SCHAEFER, et al.

Art Unit: 1645

Serial No.: 10/009,527

Examiner: Barnhart, Lora Elizabeth

Filed: December 10, 2001

Atty. Docket: 0273-0004

For: Biological Joint Construct

RESPONSE TO ELECTIONS/ RESTRICTION

Honorable Commissioner of
Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed September 28, 2004, in which the Examiner required election of a single invention to which the claims shall be restricted, Applicants hereby provisionally elect, with traverse, the species of claim **Group I** (claims 36-41). Applicants understand that this election is being made to aid the Examiner in conducting a search and examination of the claimed subject matter, and is not to be construed as limiting the scope of the claims. Applicants also understand that, if a product claim is subsequently found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claim will be rejoined in accordance with the provisions of M.P.E.P. § 821.04. Applicants further reserve the right to file one or more divisional applications directed to the non-elected invention(s) should this restriction requirement be made final.

Applicants assert that this response is timely and that extensions of time are not required. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 50-0622.